

REMARKS

Applicants appreciate the review of the present application as reflected in the Official Action mailed August 19, 2004.

The IDS

Applicants wish to bring to the Examiner's attention an item that was cited in the parent application that Applicants inadvertently omitted from the PTO-1449 form submitted in the present case. In particular, the Sun Microsystem's Enterprise Java Beans reference cited by the Examiner in the parent application was not listed on the PTO-1449 form. Because the information was considered in the parent application, and pursuant to MPEP 609 is considered in the present application, Applicants request that the Examiner include the Enterprise Java Beans reference on a PTO-892 form in any subsequent action so that it will appear on the face of any subsequently issued patent.

The Specification

The only errors in the specification of which Applicants are aware are those identified in the parent application of the present application. In particular, the Preliminary Amendment in the present case provided the correct serial number (09/001,980) for the application filed in December, 1997 and removed the reference to the later filed applications 09/223,986 and 09/224,535 (now U.S. Patent No. 6,298,478). Out of an abundance of caution, Applicants, however, hereby again bring these applications to the Examiner's attention.

The Double Patenting Rejection

Claims 1, 6, 9, 14, 17 and 22 stand rejected under the judicially created doctrine of obviousness-type double patenting in light of United States Patent No. 6,542,885 ("the '885 patent"). The '885 patent is the parent to the present application. Applicants submit concurrently herewith a Terminal Disclaimer. Applicants submit that the Terminal Disclaimer overcomes the obviousness-type double patent rejection based on the parent application of the present application.

The Anticipation Rejection

Claims 1, 6, 9, 14, 17 and 22 stand rejected as anticipated by United States Patent No. 6,298,478 to Nally et al. (hereinafter "Nally"). Nally was filed December 31, 1998. While Applicants do not acquiesce in the propriety of the assertions in the Official Action, Applicants note that the present application claims priority from the '885 patent, which was filed December 30, 1998. Thus, the effective filing date of the present application is December 30, 1998. Accordingly, Nally is not prior art to the present application. As such, Applicants submit that Claims 1, 6, 9, 14, 17 and 22 are patentable over Nally for at least this reason and request withdrawal of the anticipation rejections.

Conclusion

In light of the above discussion, Applicants submit that the present application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

It is not believed that an extension of time and/or additional fee(s)-including fees for net addition of claims-are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 09-0461.

Respectfully submitted,

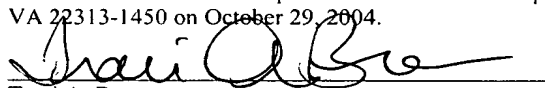


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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on October 29, 2004.


Traci A. Brown